

REMARKS

Based on the amendment above, claims 1-25 are pending. Claims 1, 10, 14, and 22-25 are the independent claims. Claims 22-25 are new claims.

Claims 14-21 are allowed.

Claims 2, 7, 11, and 12 were indicated as being allowable if rewritten in independent form. Accordingly, we have rewritten these claims as new independent claims 22-25, respectively.

The only remaining independent claims are claims 1 and 10, which stand rejected as anticipated by Makinouchi (U.S. Patent 5,969,800). In particular, the Action points to Eq. 5 at col. 9 of Makinouchi as providing "at least one correction term that has a sinusoidal dependence upon the position of the measurement object."

We note that Eq. 5 in Makinouchi is a matrix equation in which one matrix includes elements having a sinusoidal dependence on θ , where θ is a relative rotation angle between the reticle and wafer (see Makinouchi at col. 9, lines 48-51).

In contrast, claims 1 and 10 as currently amended recite "at least one correction term that has a sinusoidal dependence on a distance to the measurement object" and "one or more corrections terms each having a sinusoidal dependence on a distance to the measurement object," respectively (emphasis added).

Therefore, the correction term(s) in claims 1 and 10 have a sinusoidal dependence on "a distance to the measurement object," whereas the elements in the matrix of Makinouchi have a sinusoidal dependence on a relative rotation angle. Accordingly, we submit that the rejection of claims 1 and 10 (and claims that depend from them) should be withdrawn.